



MOTOROLA

October 29, 1999

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals, TW-A325
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Notification – WT Docket No. 99-168

Dear Ms. Salas:

On October 28, 1999, Richard Barth, Steve Sharkey and Leigh Chinitz of Motorola had a telephone conference with James Schlichting of the Wireless Telecommunications Bureau and discussed issues addressed in the *Notice of Proposed RuleMaking* in the above-referenced proceeding.

During the conference we expressed continued support for the Motorola proposed band plan, which provides 6 MHz of spectrum for private users and 30 MHz for commercial use in the 746-806 MHz band. Motorola has previously demonstrated that highly dissimilar services operating in close proximity raise the potential of interference scenarios that can be addressed through proper spectrum management. Motorola's proposal provides a licensing structure that maximizes use of the available spectrum by placing private users in bands adjacent to public safety users, thereby creating a transition between incompatible commercial users and public safety.

We discussed a proposal filed by FreeSpace Communications that would expand eligibility for use of the transition zones to include commercial carriers. The FreeSpace proposal reinforces the need for a buffer zone between high power commercial uses and public safety use in order to protect public safety users from interference. FreeSpace contends, however, that lower power commercial systems should be eligible to operate in these buffer zones and that such systems will not interfere with public safety operations.

Motorola disagrees that the spectrum immediately adjacent to public safety is appropriate for commercial use. Motorola has extensive experience in dealing with interference between commercial and public safety systems and performed in-depth analysis to determine the amount of spectrum necessary to provide adequate protection to public safety systems operating in the 746-806 MHz band. Motorola has also reviewed the information that has been filed by FreeSpace and we do not believe that there is sufficient detail to conclude that the technical limits proposed by FreeSpace are sufficient to ensure protection to public safety operations. Although FreeSpace proposes to limit the power for commercial systems operating in bands immediately adjacent to public safety, these commercial systems would be deployed in a manner fundamentally different than the typical high power, high height public safety operations. Depending on the deployment and the type of emission from the commercial system, interference to public safety is a very real possibility.

Alternatively, Motorola's proposal builds on a long and well-established history of cooperation and coordination between public safety and private wireless users. Such systems employ nearly identical

equipment and technologies and are well suited to frequency and site coordination, thereby avoiding interference.

In addition, commercial operations, such as the one proposed by FreeSpace, can be accommodated in bands designated for commercial services. The Commission's rules for aggregation and disaggregation of CMRS spectrum provide sufficient flexibility to accommodate a wide variety of commercial services. The 30 MHz of spectrum available for commercial use under Motorola's plan should be licensed in large paired spectrum blocks suitable for the type of CMRS uses that are being implemented around the world. Such rules provide flexibility to accommodate low power operations to the extent that they are demanded by customers. The record before the Commission clearly demonstrates a need for additional spectrum for private uses and the Commission should not miss this unique opportunity to satisfy those requirements while maximizing the efficient use of the spectrum.

Please contact Richard Barth at (202) 371-6959 regarding any questions concerning this matter.

Respectfully Submitted,

/s/
Richard Barth
Motorola, Inc.

cc:
James Schlichting